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**Subject:** [EXTERNAL] Lead-based paint requirements in a PBV property  
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Hi Cheryl, here's the information I shared in our meeting today. You can share this email as you requested. For a PBV property:

- HUD's lead-based paint (LBP) regulations (also known as the Lead Safe Housing Rule) apply to the entire property when there is PBV assistance, and not just where there are units with children
- HUD considers lead-based paint hazards to be HQS violations. Deteriorated paint in a property built before 1978, and all lead-based paint hazards identified in a risk assessment, would be HQS violations.
- A lead-based paint risk assessment allows for unit and component sampling, as determined by the certified Risk Assessor. The results thus apply to all units and relevant components, even if every unit and component in the property was evaluated.
- PHAs have the authority under 24 CFR 983.103(e)(1) to inspect PBV units for HQS violations. A PHA can exercise this authority at its discretion, e.g. when there is a resident complaint, or for "any other information coming to its attention"
- Owners are responsible for complying with the Lead Safe Housing Rule and HQS at all times
- PHAs are expected to monitor owners for compliance with the Lead Safe Housing Rule, and to perform abatement, termination or suspension of HAP when HQS violations are identified

Here are some additional answers to specific questions we discussed:

- When a child is identified with an EBLL, there are additional lead testing and hazard control requirements. These requirements differ from what's required for initial and ongoing lead-based paint evaluations, and those requirements vary by the type and level of assistance. The guidance documents you asked about (HQS checklist instructions, HUD HCV Program Guidebook) are only applicable to the HCV or tenant-based program. They do not cover the requirements for project-based vouchers, and do not include the additional (different) requirements for responding to a child with an EBLL.
- The NSPIRE regulations made no change to the requirements in 24 CFR Part 35. For properties inspected by REAC, we added a new standard for a visual assessment of deteriorated paint for properties, but that change does not impact HCV and PBV programs.
- The term "expected to reside" is discussed in the [Interpretive Guidance on HUD's Lead Safe Housing Rule \[hud.gov\]](#) prepared by HUD's Office of Lead Hazard Control and Healthy Homes. See questions B11 for an elderly-only designed property and M1 regarding pregnancy. This definition is relevant for the additional evaluation/risk assessments requirements after a child with an EBLL is identified in a property with project-based HUD assistance in other units. It is not directly relevant to the rest of Subpart H, because the requirements for a LBP Risk Assessment, lead hazard control, and ongoing monitoring (including follow up risk

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assessments, and visual assessments) apply to all assisted units in the property and not just those where a child resides or is expected to reside.

- [PIH Notice 2017-13 \[hud.gov\]](#) covers the response required when there is a child EBLL. It includes a few, but not all the other initial and ongoing evaluation and hazard control requirements for HUD-assisted properties. When more than one unit in a property has HUD assistance, it requires additional testing of the units with children <6 and units where there are known pregnant women. (You are not required to ask about pregnancy status, though.)

If a child is identified with an EBLL, there are other requirements for lead-based paint evaluation and control that also should be completed if they were not done with the initial PBV approval.

Under [24 CFR Part 35 Subpart H \[ecfr.gov\]](#), properties with project-based HUD assistance (e.g. Project-based Vouchers, Project-based Rental Assistance) require a Lead-based Paint (LBP) Risk Assessment of the property *before* the vouchers are approved. (See [§ 983.101\(c\) \[ecfr.gov\]](#).) Depending on the results of the initial LBP Risk Assessment and the method of lead hazard control performed, the property may require an additional risk assessment every two years. Also, each unit must receive a visual assessment for deteriorated paint at least annually. See [§ 35.1355 \[ecfr.gov\]](#) for the ongoing requirements. The lead-based paint requirements apply to all HUD-assisted units in the property, regardless of occupancy by children under 6. The unit-sampling done in the Risk Assessment is determined by a certified LBP Risk Assessor according to Chapters 5 and 7 of the [Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing. \[hud.gov\]](#) Because a LBP Risk Assessment is a representative sampling of the property (and the regulations at [24 CFR Part 35 Subpart H \[ecfr.gov\]](#) cover all of the HUD-assisted units in property) – **the lead hazard control work must be completed in ALL assisted units**. The deadline for completing the work varies by whether there is a child in the unit, though. See [§ 35.730 \(f\) \[ecfr.gov\]](#).

- The HUD 52580-A is used for tenant-based rental assistance/Housing Choice Vouchers, because it includes the requirements under Subpart M, not Subpart H for Project-based Assistance. Occupancy by a child is not a required trigger for the PBV program like it is for HCV. PBV properties also require periodic inspections in addition to the inspection of units at turn-over. See [§ 983.103 \[ecfr.gov\]](#). While PHAs may use this form for unit turnover inspections, it does not supersede the requirements for the property required in at [§ 983.101](#) and [24 CFR Part 35 Subpart H \[ecfr.gov\]](#).
- [CHAPTER 10 \(hud.gov\) \[hud.gov\]](#) – HCV Program Guidebook: This chapter covers the HCV program requirements (24 CFR Part 35 Subpart M), **not** the lead-based paint requirements in the PBV program (Subpart H). We will update this chapter for NSPIRE and add that clarification.

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